

REMARKS

By the present amendment, applicant is adding the drawing to the application and adding explanatory language to the specification regarding the drawing to the application as requested by the Examiner.

The Examiner's rejection of claims 12, 13 and 14 and 23 and 24 for being unpatentable over over the Sfikas U.S. Patent No. 5,549 658 in view of Official Notice or the Francois U.S. Patent No. 2,690,253 as these rejections may be attempted to be applied to the amended claims, are respectfully traversed.

First of all applicant does not know what the Examiner means by "Official Notice" since the rejection does not state what applicant is supposed to take Official Notice of.

In any event, in support of this traverse, please note that claims 12 and 23 have been amended to call for:

A package comprising a lower layer of flexible plastic material, an optical disc being positioned on the lower layer, an upper, covering layer over the lower layer and a generally circular seal area between the lower layer and the upper layer adjacent to and completely around said optical disc, at least one kiss cut in said upper layer above the disc and located inwardly of said generally circular seal area for facilitating opening of said package by facilitating grasping and peeling back part of said upper layer above the disc, an adhesive on an outer surface of the lower layer to facilitate fixing of the package to a substrate, and a peel off liner fixed to the adhesive.

Then claims 13 and 24 have been amended to call for:

a second, smaller, generally circular seal area between the lower layer and the upper layer in a central area of said package inwardly of said first named seal area and said at least one kiss cut extending from said second generally circular seal area toward said first named seal area.

The claimed structure is not at all disclosed by or suggested by Sfikas or Official Notice, whatever that is supposed to be.

The amended claims call for a generally circular seal area closely adjacent to and extending completely around the disc. Sfikas only discloses generally square upper and lower layers sealed at the edges, a generally square seal area, heat seal groove line 14. Then Sfikas provides a heat seal groove line 24 between the layers inwardly of the heat seal groove line 14 and extending in a U or three sides of a rectangle. Next, Sfikas provides overlapping oval shaped thinned groove lines 26 and 28 which enable an elongate section between the overlapping oval lines 26 and 28 to be pulled away from the package by piercing the upper sheet layer 12 and pulling on the end 36 of the closure portion 32 located between the overlapping oval lines 26 and 28.

In contra distinction, applicant provides kiss cuts within a generally circular seal area (not a generally square area) and Sfikas provides the thinned generally oval lines above the generally rectangular area enclosed by the heat seal groove line 24.

Also, in applicants package one does not have to pierce the upper layer. All one has to do is grasp a cut portion of the upper layer adjacent the at least one (preferably four) kiss cut(s).

Further, with respect to claims 13, 14 and 24, applicant calls for:

a second, smaller, generally circular seal area between the lower layer and the upper layer in a central area of said package inwardly of said first named seal area and said at least one kiss cut extending from said second generally circular seal area toward said first named seal area.

Sfikas does not at all teach:

at least one kiss cut extending from a second generally circular seal area toward said first named seal area.

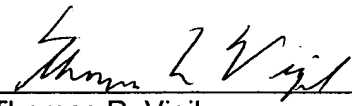
Further, with respect to claims 13 and 23, all that Francois teaches is a package for a belt between two layers and where the area around a hole through the two layers at one end of the package are sealed, so the package can be hung on a horizontally extending rod.

Francois alone or combined with Sfikas does not teach both a second smaller generally circular seal area AND at least one kiss cut extending from the second seal area toward the first named seal area.

In summary, applicant submits that, for the foregoing reasons, the structure of the holder for an optical disc, now defined even more clearly in amended to claims 12 and 24 and the claims dependent thereon, clearly distinguishes applicant's claimed holder for an optical disc from the teachings of all the references cited in this application and that all the claims are now in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,

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Thomas R. Vigil
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA
22nd Floor
CHICAGO, IL 60606-3912
Direct Telephone: 1-312-775-0407
Telephone: 1-312-655-1500
Fax: 1-312-655-1501
Email: trvigil@welshkatz.com